

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WINSTAR HOLDINGS, LLC, et al.,

Plaintiffs,

-against-

THE BLACKSTONE GROUP L.P., et al.,

Defendants.
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07 Civ. 4634 (GEL)

ORDER

GERARD E. LYNCH, District Judge:

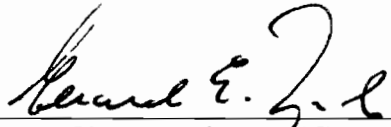
Defendants removed this action from the state court, and immediately moved to transfer venue to the District of Delaware. Plaintiffs have asked that their time to respond be extended until twenty days after the Court decides plaintiffs' anticipated motion to remand the case to state court.

Plaintiffs are correct that analytically, a motion to remand takes precedence over a transfer motion, since a decision to remand to state court would moot the question of the most appropriate federal venue. However, it does not follow that the motions should be briefed seriatim. As defendants point out, the issues involved in the transfer motion substantially overlap with those involved in deciding whether the case is so closely related to Delaware bankruptcy proceedings such that the case is best transferred there. It is true that, if plaintiffs' motion is granted, they will be spared the burden of briefing a response to defendants' transfer motion. In view of the overlap of issues, however, that burden will be slight. If plaintiffs' motion is denied, in contrast, the proceeding will be delayed by seriatim consideration of preliminary matters.

Accordingly, judicial efficiency counsels briefing of all of these preliminary issues at once. Plaintiffs' motion is granted only to the extent that their time to respond is extended to coincide with the deadline for filing their projected motion to remand. The parties are directed to meet and confer on a coordinated briefing schedule for both motions, to be submitted to the Court for approval no later than July 6, 2007.

SO ORDERED.

Dated: New York, New York
July 2, 2007



GERARD E. LYNCH
United States District Court Judge